



## Senate

General Assembly

January Session, 2003

**File No. 86**

Senate Bill No. 578

*Senate, March 31, 2003*

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING LOCAL REGULATION OF SMOKING IN PUBLIC BUILDINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 19a-342 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 [(f) The provisions of this section shall supersede and preempt the  
5 provisions of any municipal law or ordinance relative to smoking  
6 effective prior to, on or after October 1, 1993.]

7 (f) Nothing in this section shall be construed to limit the authority of  
8 any municipality to provide by ordinance for the regulation of  
9 smoking in buildings open to the public in a manner that is more  
10 restrictive than the provisions of this section.

This act shall take effect as follows:

Section 1	October 1, 2003
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**PH**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

**Explanation**

It is anticipated that if a municipality chooses to adopt a no-smoking ordinance more stringent than required by state law, it will pursue enforcement activities to the extent local resources allow. A corresponding potential minimal revenue gain associated with locally imposed fines would also be expected.

**OLR Bill Analysis**

SB 578

***AN ACT CONCERNING LOCAL REGULATION OF SMOKING IN PUBLIC BUILDINGS*****SUMMARY:**

This bill allows municipalities, by ordinance, to place greater restrictions on smoking in buildings open to the public than state law does. And it repeals the state law's preemption of local smoking ordinances that were in effect on or after October 1, 1993.

The state law to which the bill applies allows smoking in restaurants that have seating capacities of fewer than 75 people and prohibits smoking in public areas of a larger restaurant, unless signs are posted where smoking is allowed and at the entrance indicating that a nonsmoking area is available. Such a restaurant may not designate the entire restaurant as a smoking area and may prohibit smoking in private function rooms.

Current law also prohibits smoking in any (1) building or portion of it owned or leased and operated by the state or any political subdivision, except in a smoking area; (2) area of a health care institution other than a smoking area, as long as it is not the facility's only waiting room; (3) area of a retail food store open to the public; (4) public school building while school is in session or student activities are taking place; (5) public college or university dormitory; and (6) passenger elevator. The smoking prohibitions do not apply to correctional facilities, psychiatric facilities, public housing projects, or classrooms where demonstration smoking is taking place as part of a medical or scientific lesson.

EFFECTIVE DATE: October 1, 2003

**BACKGROUND*****Related Bill***

sSB 908, reported favorably by the Public Health Committee, prohibits smoking in workplaces employing 10 or more people, restaurants, cafes, taverns, and health care institutions except in designated

smoking rooms. It also extends the prohibition on smoking in retail food stores to all, not just public, areas.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Report

Yea 14      Nay 7